

October 16, 2023

Honorable Judge Madeline Cox-Arleo
Judge, United States District Court
District of New Jersey
Martin Luther King Federal Courthouse
Walnut Street
Newark, New Jersey 07102

Re: Paul W. Bergin's False SAM
Allegations.

Dear Honorable Judge Cox-Arleo:

I copiously scrutinized the SAM allegations
and the magnitude of wholly false averments.

The facts in my letter brief-memo
composed on August 25, 2023 are completely
irrefutable and in my heart of all hearts I am
convinced that the government knows them to be
contrived.

Please excuse grammatical errors I have no means to type correct.

I am pleading, begging and imploring you to
read this submission. I am melancholic about my
children and grandchildren, especially in light of
what occurred to members of My Covenant in
Israel. It could just have easily been my children
or grandchildren.

I miss them all so much and this SAM has
eviscerated any opportunity to hold them in my arms,
hug them or have any meaningful communication.

Thank you for this solemn
opportunity to at least vent.

Please add these facts to my
motion.

Most respectfully
Paul W. Bergin

August 25, 2023
Friday

Honorable Judge Madeline Cox-Arleo
Judge, United States District Court
District of New Jersey
Martin Luther King Federal Courthouse
Walnut Street
Newark, New Jersey 07102

Re: Paul W. Bergin

Dear Honorable Judge Cox-Arleo:

It is incumbent upon me to submit this memorandum which irrefutably establishes that the Special Administrative Measures (SAM) imposed upon me since 2016, is replete with knowing, intentional and deliberate falsities, fabrication and blatant lies. It contains purposeful ad-hominans that pervert the truth and any semblance of justice.

Most importantly, the allegations in my SAM are not (emphasis added) inadvertent errors nor controverted facts subject to interpretation, but unequivocal and categorical misrepresentations that are tantamount to criminality. Wholesale deceptions placed in my SAM with the knowing objective-purpose to deceive the Attorney General of the United States, this Honorable Court, and with the express purpose to impede and cover-up the truth. They are not inadvertent errors nor mistakes. But, devious and atrocious lies!

(A) P. 3. "Young, was presented for both the telephone and face-to-face statements allegedly made by me."
"Young's account, was corroborated by telephone records and later statements to a New York Times reporter admitting you revealed, ostensibly under professional obligation the identity of McCray to the relatives of W. Baskerville." On March 2, 2004, R. Baskerville, Curry, Young and others located McCray. Young Killed

McGray."

On the date of W. Baskerville's arrest there was a Title III wire intercept on all telephone lines of Hakim Curry, whom was NEVER (emphasis added) arrested, charged, indicted nor even questioned by law enforcement for complicity in the murder of McGray, aka Kemo; nor was R. Baskerville. The government knew they could not rely on Young's veracity and that he was a proven liar. To date W. Baskerville and me were the only ones charged. Young originally accused Jamal McNeil of killing Kemo and falsely incriminated him for more than 14 months, despite knowing he could receive the death penalty. Young emphatically stated to the government that he witnessed McNeil shoot and kill McGray during more than (0) ten proffer sessions and that McNeil deserved the death penalty.

Young claimed that he lied to law enforcement because he was told by McNeil and Jamal Baskerville that they killed an individual only known to him as "Nuts" girlfriend and he feared he would be harmed; another lie. He also falsely asserted and claimed that this was also his motivation for initially going to the FBI. (Emphasis added). His fear of McNeil and J. Baskerville.

Most importantly, the recorded Title III Curry wiretap proves to an absolute certainty, clearly and categorically that Young lied during proffer sessions, perjured himself at trial, with the government's subornation and unequivocal knowledge, and contrived evidence against me and all others alleged to be involved in the case. I was not the only one falsely incriminated; for instance, besides Young fabrications

that McNeil shot-murdered Kemo and that he would testify to this fact at trial, Young alleged that Horatio Jones, is the co-conspirator that pointed out and identified Kemo on the day of the murder with the purpose of him being killed on March 2, 2004. A testimony and incrimination by Young proven false, as Jones was at the hospital all day on March 2, while his wife was hemorrhaging during labor. Jones was never charged in the Kemo case, as his alibi was firmly established and in spite of Young perjurying this fact at trial, Jones was falsely accused like me of complicity to murder McCray.

Young further testified that he lied at profilers because his Attorney never advised him to tell the truth, a fact also proven perjurous; and to which the government never corrected at trial. During vigorous cross-examination by me, Brooks admitted Young's Attorney warned him to be truthful.

In the SAM, the government deceptively and pointedly alleges that "but for Me" informing family members of Kemo's identity it would not have been known. They absurdly write that my acts were nefarious-overous when all I did was read the Complaint -(charges)-(allegations) to Hakeem Curry whom grew up with Will Baskerville in the same house and was representing his immediate family. I had an ethical obligation to fully inform the immediate family about the facts charged and veracity of the Complaint accusations.

MOST IMPERATIVE: the government usurps their duty-obligation to be truthful on the

SAM and is ingenuous. I had nothing to conceal from the N.Y. Times because I did nothing wrong.

On 25 November 2003, Will Baskerville was arrested and placed in the U.S. Marshall's holding cell with Richard Hosten, whom became a cooperating government witness. Hosten informed Will that Kemo was the cooperating witness. The gov't attempts to lay the burden on me but it was the Case Agent, Shawn Brokes whom actually informed Will and his family whom the cooperator and informant was. Hosten advised Will that he called Kemo to order crack cocaine on Kemo's cell telephone and a number Kemo gave him. Hosten received the following message when Kemo did not answer. "You just called the cellular telephone of FBI Special Agent Michael Brokes, your call is important so please leave a message." Shawn had given her husband's FBI cell telephone to Kemo by mistake. Hosten while in a cell with Will, on the date of Will's arrest, told all this to Will. Will called his family later while in the Marshall's holding area and in front of Hosten, Will told his family he is going to prison because of Kemo.

The government is incredulous in placing into the ~~SAM~~ these facts and leaving out all the sexual facts. I read the Complaint and allegations to loved ones, no more than that. I told Curry what was alleged agst Will and that the facts are very strong.

Anthony Young was not (emphasis added) with — Hakeem Curry on November 25

the day of Will's arrest, he was never in Curry's car and did not hear any telephone calls; and this is proven by the Curry wiretap recordings, which the government possessed, scrutinized and were wholly familiar with. As a matter of fact prosecutors in this case were in charge of the Curry wiretap which resulted in the seizure of 44,000 calls-recordings.

Young perjuroously testified and this was corroborated by criminally culpable prosecutors that on 25 Nov 03, he attended a meeting at approximately 0930-1000 hours at the home of Jamal Basterville; and Curry, Rakem, Deidre Basterville, Will's wife, Hamad Basterville and Horatio Jones were present. He perjuroously swore that the purpose of this meeting was to discuss Will's arrest and how to help Will. He even swore that Rakem, He and Deidre had a private meeting in Rakem's van and he chided Deidre for joking.

He then swore that Curry commenced calling me in his presence at or about 10:00-10:30 a.m., to check on Will. He also lied to state he was in Curry's Range Rover each time Curry spoke to me both in the morning and at 4:00 p.m.; and that Curry placed the calls on speaker telephone. He further fabricated the fact that Rakem Basterville was in the front seat of the Range Rover, that he heard (while in the car) Curry state the name "KANO" and that he and Rakem figured out, while in the car

it was Kemmo Young made of this entire factual scenario.

This began the progression of completely contrived sworn Young ^{testimony} with the government's condonation and assistance. The govt knew all of this was fabricated because of their familiarity with the recording.

The indisputable, irrefutable facts convince and prove to an absolute - complete - unequivocal certainty based upon surreptitiously recorded conversations that:

(1) Young was NEVER (emphasis added) in the presence of Curry, Rakin Basterville, Hamad, Jamal nor Deidre Basterville at any time on 25 November 2003; nor did he ever speak to any of them;

(2) Curry was at his home in Newark New Jersey until 12:08:19 and when he did leave his house he travelled directly to his store "The Closet" in Union, New Jersey;

(3) Curry did not learn about Will's arrest until after 12:30 pm on this date when a friend - associate Maurice Lowe called him;

(4) Curry knew no facts about Will's arrest whatsoever; and never communicated anything to Young;

(5) Deidre Basterville did not travel to Newark on 11/25 and her call records prove she was in Roselle, N. J.; (her only vehicle had been seized);

(6) Rakin was never in a vehicle with Young nor Curry, never heard any calls between Me and

Curry never figured out the informant was Kemo and did not ~~know~~ Kemo; ~~with Young~~ and according to the recordings; He did not even know whom exactly Kemo was;

(7) Curry actually was at his home on 25 Nov. not having left until actually after 1:22 p.m. and that Curry did not speak to the Baskerville family until he was called by Hanif after 1:30 and told of the facts; all in contravention of sworn testimony, perjury + suborned perjury of Young; and, most importantly all "actually known" by the gov't;

(8) Curry also was recorded emphatically stating to Will's brother Hanid that "he has no clue" whom Kemo is, completely contravening Young's sworn perjury that Young and Rakim figured out who Kemo was in Curry's presence; as a matter of fact, Curry is ~~recorded~~ ^{in recordings} telling Hanid, he has not talked to anybody; yet Young wholly contrived the entire days activities;

(9) Lastly, on 11/25, Curry does not even have his Range Rover, he is recorded stating he was driving a Blue Honda Accord. This also disproves Young's other lies to the jury that during this call with Curry I informed them that Will is facing life, while he, Curry and Rakim sat shocked in the Range Rover;

The government knew that Young committed "absolute" perjury about everything he testified to relevant to November 25 and Will's arrest; yet they suborned his perjury and concealed the recordings from me, by

Burying them amongst thousands upon thousands of pages of discovery and deceiving me by stating to ignore them, there's nothing pertinent. That I should not waste time.

In the SAM they deceptively write Young heard the two calls and that there was a meeting wherein I stated "no Kemo no case." All fabrication established by objective facts - the recordings; indisputable facts.

Young swore - lied to the jury that this important meeting with Me, Curry, Rakem and Jamal Baskerville and McNeil occurred 4-6 days after Wills arrest. The recordings proved this to be an absolute lie; wherein no meeting could ever have occurred because Curry was in Carolina during this time.

Young with the government's assistance then changed the meeting date to 12/10/03, the date of Wills detention hearing. The recordings then to an absolute certainty prove this to be false - a lie; because the recording is clear

that I had no meeting with anyone on either 4-6 days after Wills arrest and on 12/10/03; both dates Young gave!

Young with the government's criminal assistance swears that the meeting was on 12/10 and Minish (AUSA) argues this on opening and Saunders (AUSA) certifies this fact to the Trial Court; but again their deceptiveness is proven (emphasis added) by clear recordings that they are deceiving the Court, again as to both dates. There is no third alternative. The government alleges and Young

perjorously swore to the jury that at this meeting, which no one could even even guess when it occurred, I told the group "no Kemo no case" that if Kemo does not testify I would win the case and will would come home. Impossibilities I could never state!

The govt knew that as an experienced, top rated, prominent defense counsel, having tried 100's of cases ^{and} as a military, state and federal prosecutor, I could never have made these false representations, especially with G hand to hand law enforcement observed sales of crack cocaine, video taped surveillance, recordings of all the transactions and their set up. The govt did not need Kemo, as a witness and everyone knew this, especially me. Their entire theory - premise of their statements I never made could never have occurred; yet they used these falsities in the SAM and to convict me through Young and their perjury. I would have placed my life and career in jeopardy making these impossible representations. The evidence against Will was ^{overwhelming}.

Finally, it must be fervently ^{overwhelming} accentuated that the recordings wholly evince that on two (2) occasions I advised - informed and elaborately told Curry that Will and I are pleading guilty (This was on 12/10 and immediately thereafter) and that I believed I could get a deal for approximately 10-12 years. Curry on ^{both} recordings was ecstatic. He even called another friend to tell him he was so happy - his Associate Jarvis Webb. The Curry recordings are CLEAR. Recordings also show that Will never intended.

to even think about trial as he is recorded telling others he is hiring a SENTENCING mitigation expert. (Recording in Hudson Jail with Dock and Bell).

On a side note: Young advised cooperating government witness Hassen Miller that I am completely innocent and that he lied about me; he further told Miller to lie to the govtⁿ to get the benefits and favorable treatment from whom the govt dislikes; and he also told Charles Madison I am innocent; a life long friend of Young's that he called from jail admittingly using an illegal cell telephone he possessed.

B. The Plot To Kill Witnesses Agst Esteves
(P. 4).

It must be vociferously known that CI-1, Oscar Cordova, was known by me to be an confidential informant - cooperating government witness. This is a fact because government cooperating witness, confidential informant, Maria Corriera informed the government of this fact. I told her in no uncertain terms, Oscar Cordova is an informant. (Emphasis added). This was when I first met Oscar!

Because this would exonerate the government's entire Esteves plot case, they moved Maria to a County Jail in Louisiana and placed her there under an alias. They concealed this fact.

Additionally, Oscar came to me alleging to be the son of Latin King Leader Lord Gino. I knew Oscar was not Lord Gino's son

because of absurd lies he told about Gino. That Gino whom was in the ADX was ordering murders and running the Latin Kings while in the ADX, that he has a cell telephone, that he is permitted to wear diamond jewelry, that Oscar has contact visits with him and that Gino is given outside food, clothing and other abundities. Oscar also offered me kg. of cocaine which I refused. Moreover, as Esteres' attorney I was given discovery. Esteres informed me and the prosecutor affirmed, that he was completely cooperative with the DEA. That Esteres gave a VIDEOTAPE CONFESSION (emphasis added) copiously delineating his entire drug organization, everyone's culpability, including his own flesh and blood brother and wife and all others involved in his operation. He confessed on video. The government knows I was given a copy of this videotape at the inception of my representation of Esteres, and discussed it with Esteres; yet they unethically and criminally argued to the jury I had no idea Esteres had videotaped confessed and was a cooperator. They also denied ^{truth} Carrera informed me Oscar was a CI; this is all despite Esteres as a clw whom testified at trial swearing to the jury I knew he was a clw and Carrera telling them I knew to a certainty, Oscar was a confidential informant and not Lord Gino's son. My actual knowledge about Esteres + Oscar was critically important as it ^{exonerates me} ~~exonerates me~~ ^{intending to commit any crimes with them.} The government again perjurally permitted Oscar to swear he was Lord Gino's son, even though they knew he was lying; and

they told the jury I never received my own client ~~Estes~~ Cooperating videotape, even when their own witness ~~Estes~~ testified for them, that I knew he was a cooperator and knew about the videotape. The govt. illegally permitted Oscar to commit perjury.

This is because the government knows I was completely joking, not serious as I never even attempted to harm a single witness, obtain a single location, track down anyone nor make any plans, schemes nor attempts to harm anyone. On December 8, 2008, Oscar told me he needs a gun as a contingency and I laughed at him - he was never given anything because I never intended anything to happen.

It actually confirmed to me he was a CI because here he is attempting to role play being a "hit man," son of the leader of the Latin Kings world-wide and he needs an attorney to get him a gun or to supply him cocaine. It was so absurd.

The whole ~~Estes~~ incident was about me squeezing defense dollars out of Oscar and the government for representation in a complicated case, and they knew it, because the govt realized I knew - Oscar was a liar, phony, informant through Correra, and I would not plan a crime with a DEA cooperator (~~Estes~~), whom told on his own brother and wife.

The govt also leaves out of the 3Am that Oscar admitted perjuring himself at trial and lied about his life being threatened and, thereby needing Marshall protection.

Besides all these allegations never came to any semblance of fruition because I made sure of it and knew they were fraudulent. I strong Oscar along until he paid me 10K. The phony hit man pd me!

C. Specious, Dishonest, Deluded, Fallacious and Mendacious Unproven Allegations That I Communicated with Associates Outside of Jail and Plotted to Tamper with Witnesses, Kill or Harm Witnesses, Kill the Lead Prosecutor and Thwart the Prosecutor. (Pgs. 3-4).

(a). There is not (emphasis added) a scintilla, shred nor iota of objective, credible, nor in any manner whatsoever believable evidence that ANY ATTORNEY OR PRIVATE INVESTIGATOR (Retired FBI Agent) (emphasis added) did ANYTHING (emphasis added) wrong, criminal, unethical, amoral nor in any way whatsoever improper.

There could be no greater evidence nor proof that there exists no credible evidence to this repugnant, horrific and slanderous false-fictitious and non-provable assertion than the FACT (emphasis added) that no ethics complaints were ever filed ~~against~~ ^{for} any of these lies; none of these ethical, licensed and stellar members of their communities, both with impeccable and proven moral track records and histories, have ever had a single complaint filed or Alleged (emphasis added) ^{against} them; Both are still licensed and practicing, and both have never even ^{been} called before a grand jury, jury, investigative agency, nor even interrogated nor questioned as to these irrefutable, morose and fictitious allegations.

The assertions, accusations and allegations are disheartening, baseless and meritless. The very first time these garbage assertions were even made-mentioned was in the 2022 SAM; when I firmly believed the government would dismiss the SAM because they realized it was riddled-replete with lies, and I sent a letter to the Court, new New Jersey U.S. Attorney and Professional Ethics against Marsh and Saunders. (Authors of the SAM).

Lastly, it must be vociferously asserted that the FBI Agent ^{retired} ~~retired~~ after a long and illustrious outstanding career as an Agent; ^{he} was CIA sponsored and approved and not a single penny of his bills controverted; and the Attorney is prominent, engaged in her own practice of law, was a former Prosecutor and Head of the Middlesex County Bar Association. Both of these individuals are still active practitioners, have reputations beyond reproach and probably are unaware of these morally bankrupt-fictitious allegations wholly without any merit. This proves how corrupt, disingenuous and morally bankrupt the two are.

(b). Lemont Love - (p. 4)

This fictitious and maligned misrepresentation

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by the government and which appeared in my SAM, for the very first time in August 2022, illustrates the knowing lies and sleazy corruption of the government.

This assertion which allegedly occurred pre-trial and before my trial in 2011, had never been mentioned before; neither pre-trial, during trial, post trial nor in any writings nor submissions by the prosecution. It was never presented in restricting any of my communications, contacts nor does the "Attorney" nor Investigator (Retired FBI Agent) Lou Stevens even know these lies which are blatant about this. Again, both the "Attorney" and Investigator are both licensed, in good standing and have never (emphasis added) been censured nor had any knowledge of this atrocious, dishonest and actually criminally inaccurate falsity. Both the "Attorney" and Investigator are licensed, in good standing, having earned impeccable reputations and veracity beyond reproach.

This intentional, deliberate fabrication by AUSA's Marsh and Saunders must not go uninvestigated nor unpunished. They know it is false. They should be shamed and face consequences for their atrocious, defamations.

The informant in this vicious lie is disbarred Attorney, Richard Roberts. I am certain about this, because Belmont Love gave a sworn statement, pre-trial, delineating that Richard Roberts pressured and vociferously attempted to convince him to lie against me and commit perjury. The govt knew about this and Love's willingness to come forth and testify at my trial under oath and before Judge and Jury. The government filed a motion in limine precluding Love from testifying about Roberts' attempt to suborn his perjury and lie relevant to these wholly contrived threats, that never occurred. Yet Marsh and Saunders, knowing the falsity of the threat and the potential profound effect of keeping me on SAM's, still placed it in this SAM.

The "Attorney" was never questioned by law enforcement which proves they know it was a lie and she continued in her representation through trial and post conviction.

The scam of the lead Prosecutor needing Marshall protection is just that a scam. I assume the prosecutor has an inferiority complex and attempted to make himself more important in life than he actually is. It reminds me of the misconduct committed by ^{AUSA} ~~Ford~~ ^{Russell}. This is exactly the same scheme AUSA Marsh pulled relevant to Oscar Londona. Oscar testified and falsely claimed his life was threatened and in jeopardy and he was provided 24 hour Marshall protection. Oscar even played a recording on his phone of a threat.

US Marshall's did a cursory investigation, which they should've done against Marsh and learned, ascertained that Oscar had schemed, scammed and made up the threats upon his life, just like with Love. As a matter of fact I compelled the government to recall Oscar to the witness stand and he confessed to contriving the threats and admitted committing perjury, which the govt. condoned and to which Oscar or the govt. never suffered any penalty therefrom. They did this to make me look appear dangerous.

The prosecution, if they even conducted a simple analysis would know to a T and certainly, that not only did Oscar lie about threats and the veiled need for Marshall protection, but the prosecutors too. ALL LIES!

Of course, the Attorney visited Love at State Prison where he was confined. He was a seminal witness to whom de facto government Agent Roberts, Richie attempted to criminally induce to perjury. If the govt hadn't objected to this testimony and Judge Cavanaugh didn't grant their objection, there would be sworn confirming testimony to this fact. That Rich Roberts, Esq. attempted to coerce Love to falsely claim I requested ~~the~~ he murder ~~me~~ for.

What is most troublesome is:

- (a). Lemont Love was threatened with punishment unless he lied against me, but he refused the duress and coercion to commit perjury by Roberts and the prosecution;
- (b). Roberts had multiple extremely serious convictions for ethical breaches and had an seminal ethics complaint open and pending; the govt. assisted Roberts for multiple years - yes years (5) in delaying and adjourning his ethics case(s) so he could assist in the prosecution

- of me. He was convicted and disbarred in 2005.
- (c). Robert's befriended Supervisory AUSA Gordy O'Malley of the N.J. Office of the U.S. Attorney (yes the same office that prepared the SAM and committed - suborned perjury; and took him to the movie premier of "American Gangster".
- (d). Although Robert's committed serious Federal and State crimes which should have resulted in disbarment, imprisonment and impeachment evidence preceding my case, he was not prosecuted for crimes preceding my indictment until subsequent to my sentencing. He suffered no consequences until after my case ended.
- (e). Upon my arrest on May 20, 2009, Robert's, with the government's knowledge and acquiescence, moved into my law office at 50 Park Place, 10th Floor, Newark, N.J., stole all my office equipment, contacted all my clients - especially - particularly Lemont Love and informed them he was taking over my clients and practice; and that I approved. A vicious lie and criminal misconduct.
- (f). Robert's was permitted by these prosecutors to avoid criminal prosecution for federal CRIMES that he committed prior to my arrest and continued to commit, until even after my sentencing. He finally pled guilty to federal offenses subsequent to my sentencing in 2013; he was also permitted to continue to practice law and earn fees while critical serious ethics charges remained open and pending for over 6 years and until 2013. He was even permitted to commit crimes agst me and in this case.
- (g). Robert's used his notoriety and friendship with Marc Jacobson, a New York Magazine writer and whom assisted Robert's in the American Gangster movie deal, to write a devastating and detrimentally excoriating article about me right before my trial and jury selection in 2011; the article was read by most of my jury and entitled, "Baddest Attorney In N.J." It killed - devastated me.
- (h). Robert's, knowing Yolande Jauregui was represented by an attorney, visited her at the government's bequest, at the Hudson City Jail; he offered her a book and movie deal if she cooperated and assisted the gov't agst me. No ethics complaint was filed agst. Robert's nor was it ever even reported. He influenced Yolande to cooperate and motivated her to lie.
- (i). Robert's schemed, planned and conspired with AUSA Saunders, Anthony Jauregui's Attorney, Henry Klingman and Saunders

good friend and former employer Jack Arsenault, to do a movie about my life and to earn money with these offers. He used the govt. and my prosecutors financially. (K). Robert's solicited govt cooperating witness-informant Maria Correia, to steal \$5000 in govt informant funds, proceeds and to fire me and have Robert's represent Albie Castro, in 2009, and prior to my trial.

Most importantly, Robert's and Correia conspired and planned to have Albie Castro now come forward as a cooperating witness and wholly fabricate that I offered Albie \$10,000 to kill Kemo. to frame ME III.

Correia met with Albie at the Essex County Jail on a multitude of occasions and instructed him on what to say, so that it would benefit Albie and potentially convict me. Albie professed with these prosecutors several times, told them the knowing lies and the govt. used this evidence vociferously in opening argument and at my trial.

US District Court Judge William Martini, presiding, knew Albie was perjurying himself and excoriated-berated and told the govt. Albie was lying. Correia has admitted her criminal misconduct, but Robert's escaped unscathed as did these prosecutors whom suborned perjury. They failed to call Albie at my hung jury retrial, of course. (L). John Gay, AUSA, completely concealed Correia's visitation records with Albie Castro, until after the jury hung, although he possessed them throughout the trial and knew Correia was conspiring to commit perjury with Castro. Govt Robert's was permitted by these prosecutors, although in a clear conflict of interest, to represent Andre Kelley, whom he professed and convinced to cooperate. He was also complicit in perjury with Kelley whom denied Robert's represented him and was at his profile at the Allegheny Jail, Pa. Kelley later admitted Robert's did represent him and had set up the profile. Kelley was Albie Castro's drug supplier. (N). Robert's in clear conflict of interest represented Abdul Williams, another Hudson City Jail cooperating witness, whom he convinced to cooperate. He took a \$5000 retainer but was eventually conflicted out.

THIS IS THE INFORMANT WHEREIN THE

prosecution in the SAM's fraudulently and criminally stated Lemont Lowe was solicited by me to kill the lead prosecutor - Minoh; and to whom they sickedly attempt to malign the integrity of an outstanding "Attorney" and "Investigator." To date neither Roberts nor the corrupt prosecutors have faced responsibility nor consequences for their actions.

D. Plot To Kill Thomas Moran (P.4).

The government knows Moran rented a small office ^{from me} at 50 Park Place, The Robert Treat Center, Newark, N.J. When he could not afford to pay rent, he did law work - daily work as backer.

The records unequivocally establish he was NEVER (emphasis added) my partner, nor have any interest in my law practice. He was my tenant.

I would refer conflict cases to him once in a while too, when I believed he was sober and seeking treatment to alleviate his drug addiction and alcohol abuse.

NO ONE EVER CONFERRED WITH ME TO HARM MORAN (emphasis added) and not a scintilla of credible evidence exists proving this fact. The government has not an iota of credible evidence to prove this and if there was a just hearing on this issue, I submit that they are devoid of any witnesses whom ever conferred with me about this fact. Put witnesses under oath and I could prove my innocence. !!

Moreover, this is absolutely untrue - false as Moran was moved from the Hudson County Jail to Bergen, when he commenced his cooperation. So, this asinine and fatuous claim is non-existent, that he had to moved from Hudson City.

Most essential and to confirm that this accusation, which is uncorroborated and unsubstantiated, the government fails to mention that as far as Moran's family is concerned; the FBI interviewed the family whom were UNABLE TO DESCRIBE NOR IDENTIFY the Phantom's who approached his family and they refused to cooperate.

The only description Moran's family gave was a "Spanish looking guy." The FBI did not further investigate the fantastical imaginary threats, similar to Oscar Cardoua's and lead prosecutor Minish, because it was simple to figure out they were fictitious. Additionally, the family refused to cooperate which indicates these never occurred. This is total bullshit!!!

There exists no credible evidence of these threats whatsoever! (Emphasis added). NONE!! Moran can point to no threats ever made to him nor ^{that at} any time he ever felt threatened; because this never occurred. Neither Moran nor any family member were threatened, confronted nor laid a glove on. It never occurred.

E. Circumvention of BOP Ruls. USP Tucson, P.4.
"ABUSE OF "SPECIAL MAIL"

At USP, Tucson, prior to sending out any "Special Mail" you must first bring it to the mail room, wherein an Correction Officer reviews the mail, addresses and scrutinizes whom the mail is being sent to.

"Special Mail" can be legally sent to Attorneys, Paralegals, Investigators, Organizations that are assisting you in research, proof of innocence or typing services as well as others helping in preparation of legal submissions. Special Mail is NOT (emphasis added) restricted to LICENSED ATTORNEYS (emphasis added) as the government knowingly and falsely claims.

Of the 64 letters sent the govt. can never claim even one was used to tamper with nor do anything nefarious - onerous - nor Illegal. (Emphasis Added). Staff at Tucson approved the "Special mail" designation. I was in the process of prepping my 28 USC 2255 by myself and needed assistance. This is exactly what I did; Ana James and her innocent gp. were helping me.

The govt using their depraved - illogical - irrational speculative analysis unintelligently make specious claims. Nothing was wrong, violative, improper, illegal nor violative of FBOP-USP Tucson Mail Procedures. If I was prohibited from sending even a single one of these 64 letters, the reviewing Officer would

have rejected it. This was his sworn duty and responsible. The govt. should be known this prior to specious claims.

Intimidation of Witnesses, p.5

1. Anthony Young

The government provided Anthony Young's imprisonment location to me as part of Jencks material. It was contained in his commissary sheets wherein the govt. provided him over \$300. per month. By the way, Young is free from prison and on the streets. He was liberated.

Supra, I demonstrated Young's complete incredulosity. Young has been imprisoned since youth, as a juvenile and adult. He has over 17 violent felony convictions including murder, attempted murder, aggravated assaults, drug trafficking, + a multitude of weapons offenses. He has been to prison multiple times and was a career criminal, persistent offender and terror on the streets. He is genuinely a gangster.

Paul Chiarvano, a nerd, non-violent and career over the road truck driver was designated to Young's FCI in Fla. I met Paul at Tucson.

I am "actually innocent" and cried out in pain to Paul. I was hoping and praying that Young had a pang of consciousness that he completely committed perjury and would finally admit it and tell the truth.

I asked Paul to request that Young contact my investigator and tell the truth. No more, no less. Nothing improper nor illegal.

Paul was NEVER asked, instructed, bribed, solicited nor any other way requested to threaten nor use force of threat nor violence agst Young. NEVER- NEVER- NEVER EVER.

Fourth, Young would laugh at someone like Paul threatening him.

Second: Paul a complete non-violent pedophile whom is afraid of his own shadow would never do this. Paul could-would never threaten Young. Impossible.

Third: If there was a hearing and Paul was placed under oath, I am certain he would

be terrified to lie and admit he never threatened Young; and was asked by me to under no circumstances do anything but ask Young to contact my Attorney or investigator.

I NEVER CONTEMPLATED, INTENDED, NOR EVER WOULD THREATEN ANY WITNESS (Emphasis added); especially an extreme Cooperator like Young.

It is instrumental to this specious and retarded claim, to even consider that someone is going to kill another person for the promise of employment in the future. It is crazy - nuts - inconceivable because it never occurred. I am going to get him a job as a truck driver.

Paul is a professional truck driver. That is all he knows and I am going to offer him a driver job - Me.

This paragraph is so retarded it is hard to controvert. No one is going to risk life in prison for a potential job in the future, as a truck driver. It is non-sensical.
G. Yolanda Jauregui. Page 5-6.

It is sorrowful and pathetic that there is no scrutinization, review, oversight nor checks-balances to determine whether the paragraphs in a SAM are veracious or accurate; especially in light of the fact that the prosecutors preparing it are proven to be liars, suborned perjury and have an motive for impugning my integrity. My case and disturbing the truth. It is their careers and liberty at stake. I can prove this SAM accusation is wholly FALSE!!!

I never initiated (emphasis added) contact with Yolanda Jauregui, nor did I even care where she was designated. I did not want to have anything to do with her.

Yolanda and I were together as a couple for approximately ten (10) years and on my arrest date, I learned, ascertained and became wholly cognizant that during that entire period she was having intimate affairs with a multitude of individuals - in particular Alejandro Castro.

At the time Yolanda was imprisoned, I was already sentenced and serving time. Yolanda did not testify in the second trial when I was convicted. She was designated to the FCI, Minnesota and befriended

several Native Americans, whom were being assisted by Ana James, the originator of the TEPEE Innocent Project. Her cell-mate was Native.

I was informed that Yolanda made initial contact with Ana and requested her assistance because she felt guilty in wrongfully implicating me; it was Yolanda that originally initially reached out to Ana for help also in reducing her sentence.

The government possessed all my telephone records while imprisoned, listened to all my calls on an FBOP recorded line, read my e-mails and reviewed my correspondence.

They purposely deceived the Attorney General by writing that I searched for Yolanda's whereabouts or solicited Ana James, with the intent that she contact Yolanda. That is wholly dishonest and an absolute fabrication. I could not reach Yolanda nor did I ever attempt to.

Yolanda's blood infinity niece, that was caring for Yolanda's surrogate daughter, wrote me and requested I call her urgently. She also gave me not only her telephone number's but her e-mail address. I contacted her and she informed me that Yolanda must communicate with me, that she lied out of threats of imprisonment and how she loves me and all that garbage. This niece, Lori Mender and Yolanda's nephew, Robert Vannoy (Ashley's brother), repeatedly gave me Yolanda's address on the direction of Yolanda. They begged me to communicate.

I provided my Attorney Lawrence Luttinger, with a multitude of letters (love), a drawing and e-mails with Yolanda and her family, proving this.

Yolanda sent me a drawing confessing her devout love for me, love letters and e-mails through her family. They gave me Yolanda's address, prisoner number and begged me to contact her; which I never did. (Emphasis added). It was a Yolanda's imploring that her own niece and nephew passed messages to me from Yolanda.

I never searched nor located Yolanda and the gov't. Knows this! I never threatened nor communicated with her at all! All my communications prove this. I have a multitude of e-mails with Yolanda's messages.

Ana James was NEVER listed as an

Attorney, but only T&EE Innocent Project. Ana wrote me and advised me how she was contacted by Yolanda, who advised her I was innocent. That is when and how Ana and Yolanda commenced and continued communications. Yolanda was also upset she was sentenced to 9 years.

I am also in possession of sworn statements from close friends of Yolanda, from the Hudson City Jail, Kearney, N.J.: Rosa Blake and Anna Nowak whom Yolanda confided in and tearfully expressed that I was innocent, but she is being coerced to lie against me out of fear of an elongated sentence and retribution by my prosecutors.

The govt possesses no evidence whatsoever that Yolanda was ever threatened by me or anyone associated with me; nor was a single member of her family.

Furthermore, her family incessantly e-mailed and wrote me pleading for money from ^{for} Yolanda for commissary. I never sent any money because I was terrified of false allegations, I knew Minish, Saunders and others were completely capable of it. Her family also requested financial help!

Neither Jauregui nor any family members would ever state that they feared me, felt threatened by me nor that I searched for Yolanda.

Records in the DOJ - EBOP's possession corroborate every detail I have enumerated. Minish + Saunders have all this evidence, as they + the EBOP are DOJ. H. Transfer to CMU, page 6.

① While at USP Tucson and the CMU, Terre Haute, there is no credible evidence at all that I threatened, attempted, contemplated nor intended to kill anyone; particularly Jauregui or Tony.

While at the CMU not a single witness was ever threatened nor was anyone harmed. That is atrocious and total garbage. It is a distorted figment of Minish and Saunders' warped imaginations. I pray this Honorable Court Orders the prosecutors to show you the e-mails and play Yolanda's recording with Attny Brian McKen.

②. Warden's Rejection of 16 pieces of

Correspondence.

To aver that I had anything to do with the warden's rejection of 16 pieces of correspondence is pure ignorance. I never even saw this correspondence.

Media companies, unsolicited individuals whom I did not know nor were cognizant whom they were, publishers, etc. send "UNSOLICITED" mail. It occurs to everyone. I never asked any of these individuals to write me.

The govt. cannot (emphasis added) name one rejected mail article that had any nexus - connection or - to do with prosecution witnesses. THIS IS AN UNALTERED LIE! Nor can they prove - show I requested this mail.

How can I attempt to circumvent policy or BOP Rules when I was at a CMU and every piece of mail, telephone call is strictly monitored. You are right, I cannot.

(3) THIS IS EXTREMELY IMPORTANT TO METICULOUSLY READ AND COMPREHEND. (Emphasis added). (P.6)

May 10, 2016 - THIS PROMPTED THE USA/DNJ TO REQUEST SAM EMPHASIS ADDED - EMPHASIS ADDED - EMPHASIS ADDED THIS IS WHY A SAM WAS ISSUED ~~FOR~~

→ The allegation - I placed a social, non-privileged telephone call to the Attorney, whom investigators believe had previously assisted you with witness tampering. The Attorney agreed to send you another copy of the seized correspondence this time marked as "Special Mail to circumvent BOP's mail monitoring." (Emphasis added)

I telephoned my SAM APPROVED ATTORNEY AMANDA PROTESS from my SAM APPROVED LAW FIRM, Gibbons P.C. (Emphasis added) which had as a partner my SAM approved lead counsel, Lawrence Lustberg.

Amanda Protes, a consummate professional, Columbia (Ivy league) Law School graduate and Associate of my SAMs - CJA approved Attorney, Lawrence

Lustberg, had their paralegal send me investigative reports from interviews of DEFENSE WITNESSES. Because the paralegal did not place on the US Mail Express Envelope, "Lawrence Lustberg" or "Amanda Prokes" Attorney At Law, the mail was opened and not endorsed "Special Mail" even though the cover letter inside the envelope was clearly marked, "Amanda Prokes - Lawrence Lustberg, Attorneys At Law". The envelope was not clearly marked.

Amanda - "The Attorney" resented CJA - Licensed - Former Retired Investigators reports whose ~~that~~ substantive interviews were crucial to our Post-Conviction Habeas Corpus motions and appeals. The investigative reports were read, scrutinized and approved by my Attorneys for me to possess.

It was Amanda Prokes and Lawrence Lustberg, honorable, consummate professionals, ethical to the strictest degree, impeccable professional reputations and integrity beyond reproach when sent me the reports. Nothing in any report was sensitive - improper nor could be used to threaten anyone. It is sickening, atrocious, criminal and wholly disheartening how Marsh and Saunders, the authors of this SAM, attempted to repugantly accuse them of complicity to tamper with witnesses and even solicit Lonnie Love to commit murder. All vicious and knowing lies. I had the absolute right to read and use in legal submissions these critical-relevant reports.

What is ultra hypocritical is that AUSA Saunders left the US Attorney's Office to work at Gibbons and for Lustberg; but I guess they were too ethical and righteous for him. He returned to his cradle with Marsh, subsequent to "THE ATTORNEYS' AMANDA PROKES AND LUSTBERG SENDING ME THESE ~~THE~~ Reports.

BUT THIS IS WHY THE SAM WAS PLACED ON ME - Now you know how repulsive the authors of the SAM are and how the truth-justice and righteousness has been completely abandoned - subverted and trampled upon.

This is their smoking gun, whose flame just went out!

I. My 2255 Fabricated Statements And Attacked Government witnesses like Young and Jauregui.
The unsigned Jauregui Affidavit. (P. 7).

The audaciousness of the government to attempt, albeit veiled, to subject me to a SAM, because I proved my innocence, that they eviscerated the facts of Napue v. Illinois, ^{especially} with Young and exercised my 6th Amendment Right to defend myself.

Through the Curry Title III, I unequivocally and categorically proved that Young, to an absolute certainty perjured himself and falsely incriminated me.

The Jauregui Affidavit was completely - wholly true. It was based on actual Knowledge and Reports.

What is MOST URGENT- ESSENTIAL to be cognizant of and to comprehend, is that I never in any manner communicated with Yolanda about the Affidavit.

The government's insane claim that the Affidavit was false and Yolanda was intimidated or threatened to sign, is wholly disavowed by communications they possess. As an agent of the DOJ both the Government - AUSA's and FIBOP possess the recorded (emphasis added) telephone call between Yolanda Jauregui and Attorney In Good Standing, Former U.S. Army Airborne Ranger Captain and 100% disabled Soldier, Brian P. McVan. Another Attorney with an impeccable record of honesty and member of the Bar, N.Y., N.J., Washington, D.C. Bars. On a recorded call, the govt and its agents possess, Yolanda swore to the complete accuracy - credibility and every word incorporated into the Affidavit as the truth, whole truth and complete truth. The only thing she denied was having an intimate sexual relationship with Abdul Williams. She told McVan there is no other words that are untrue nor inaccurate. Of course, I believe McVan. He has no motive to lie, risk losing his License to practice law and his liberty. He would never do that. Yolanda agreed to execute the Affidavit because it was

the ABSOLUTE TRUTH. She also agreed to excise out the Williams' ^{claim.}
 So again, we have ignorant, irascible and damaged
 corrupt prosecutors making more false accusations about my
 2255, when they are the ones continually proven to be LIARS.

(Page 7) Lastly, it was the Gov't whom approved
 THE ATTORNEY for SAM's not me.

They are just moronic Liars - Amanda Probst
 sent me the investigative reports, from an CIA approved
 investigative ~~team~~ ^{team} of former high level and esteemed retired law
 enforcement officers, with impeccable reputations, whom located, interviewed
 and provided exculpatory investigative reports. Yet, the gov't
 wrongfully denegrates, attacks - assails and as a means to "cover-up"
 a grave miscarriage of justice needebously attacks Attorneys - Investigators
 and me.

Please do not forget. The Gov't placed in the
 SAM that it was Amanda Probst's re-sending me
 these INVESTIGATIVE REPORTS that caused
 them to place me on SAM.

But for Amanda - The Attorney - Sending
 me these reports, I would not have been
 placed on SAM.

NOTES OF INTEREST

1. Anthony Young (a) There were approximately 44,000 +
 recordings in the - Curry Title III wiretap and not a single
 one was any conversations with Young nor about him.

Most essential: not a single conversation was
 heard about any meetings with me about the "no kemo no
 case" conversation - meeting. Nor was there ~~clear~~ planning any
 meeting with me, Young and others nor subsequent to this
 alleged phanton meeting. Not a hint of meeting me in 44,000 recordings.

(b) Young was facing Federal Trigger Lock
 Gun charges, major drug trafficking (Life in prison), Aggravated
 Arson (Young burned down his girlfriend Rasheeda Turner's occupied
 home (Life in prison), Aggravated Assault and Terroristic Threats
 (he pointed a gun at Rasheeda Turner and her sister and threatened
 to kill them. (20 years as a persistent - career offender), Aggravated

Assaults with a deadly weapon (on other shootings) and other changes when he contacted the FBI to cooperate.

(c). Young confessed to his close friend and govt cooperating witness, Hassan Miller that I am innocent and to gain the most favor-benefits from cooperation "you have to tell them what they want to hear and about someone they are interested in." He was recorded at the Hudson City Jail, instructing - teaching Miller (wearing a govt. provided wire) how to lie, frame another innocent person for murder and to get away with murder by seeking witness protection; and not doing time for your crimes no matter how serious. (This is also what he informed Rasheeda Turner, his girlfriend. That he anticipates witness protection and that she should hide and live with him in their prospective new govt provided home) under WITSEC. He manipulated the system.

never (d). Young falsely accused his child-hood friend of murdering McGay for a year, during at least 6-10 proffer sessions even if it meant him receiving the death penalty.

(e). Young advised his child-hood friend Charles Madison that I am innocent. That He "Lied on me."

(d). Young had voluntarily agreed to cooperate with the Essex County Prosecutor's Office in 1999 and to testify against Rakeem Baskerville in charges relevant to "Possession of a gun by a convicted felon," a second degree offense carrying a punishment of 10-20 years agst Rakeem, Williams' brother and Curry's first cousin. This occurred subsequent to Young giving an sworn exculpatory statement to my investigator admitting that the gun Rakeem was charged with was actually Young's and not Rakeem's.

He then told the prosecutor's office that his exculpatory statement was false and the gun was NOT His.

This statement to the Essex County Prosecutor was provided in discovery in accord with Rule 13.3, NJ State Rules of Criminal Procedure and provided to me, Rakeem whom now had to face trial on the gun and the potential of Young testifying against him; and clearly known to Will Baskerville, and Curry.

Young was not (emphasis added) trusted by anyone and no one would be involved with Young's murder of an FBI cooperating witness. (Emphasis added).

*

(c) Most Importantly:

(1) Government cooperating witnesses Tray Bell and Eric Dock, whom were confined with Will Basterfile at the Hudson City Jail, testified that Will admitted to them that "Malik Lattimer is searching for Kemo McGay to kill him." They even testified that Will stated "Malik Lattimer Killed Kemo."

(2) The only eye witness to McGay's murder on March 2, 2004 was his step father, Johnny Davis who was inches away from both (emphasis added), McGay and the shooter. Davis was so close that he received gun powder burns on his face and body.

(a) At the scene of the homicide Davis described the shooter as having long dread-locks and that he was not wearing any hat. Davis identified a photo of Malik Lattimer, whom I had dread-locks on the date of the shooting to Newark Homicide (Anthony Young was completely bald and claimed he was wearing a NY Yankee cap when he shot McGay) (Davis denied Young was the shooter).

Davis was confronted by Lattimer on 3 March 04, the day after the shooting and was threatened with violence agst his person if he identified Lattimer as the shooter. Davis was shown a photograph of Lattimer ~~and~~ ^{and} he stated - signed the photo and wrote, he was 1000% certain ^{Lattimer} he shot McGay; he was also shown a photograph of Young and wrote on the photo, he was 1000% sure Young did NOT (emphasis added) shoot-kill McGay. The govt covered-up Davis' confrontation with Lattimer the day after his son was killed.

(3) Lachay Walker was an government cooperating witness whom set up Curry for his arrest on March 4, 2004. Walker was allegedly Curry's right hand man and with Curry every single day for hours and months on end; he was the senior govt. witness whom testified agst Curry for almost a week. Lachay Walker's testimony resulted in Curry's conviction and a life sent.

Lachay did not know Young, never observed Young in Curry's presence nor ever ^{with Curry} conversing with Curry; nor did Curry ever mention Young. Lachay informed federal agents during interviews that Lattimer killed Kemo. The govt covered up this fact, which has recently been confirmed. Lachay could testify to these facts.

(4) Young testified in 2013 at my trial, that

he converted his handgun to automatic, as did ALL (emphasis added) associates of Curry. He killed - (CCARMED) McGray with an automatic weapon which he converted.

These facts proved to be wholly contrived, as evinced by Larry writer ALLEGEDLY holding handguns for Curry and not any of them being automatic; and other corroborating evidence proving Young perjured himself relevant to this fact. MOST IMPORTANTLY: (emphasis added).

The physical, forensic and scientific case - scene evidence proves McGray could not (emphasis added) have been shot with an automatic handgun. This is as evident as the fact that Young not only PERJURED (emphasis added) himself as to what kind of gun he used to allegedly kill McGray, as well as the FACT (emphasis added) that all members of Curry Organ. converted their handguns to automatic. An absolute lie as this never occurred.

The prosecution - gov't. - the same individuals whom authored this SAM knowingly, purposely, intentionally and deliberately suborned Young's perjury on these matters and never corrected it before the jury. See, Napue v. Illinois, 360 U.S. 264, 269 (1959). The shot pattern of bullets that entered McGray's had are forensically dichotomous to an automatic weapon being used. F. Khair Pendleton.

Since imposition of the SAM, the racist demonization of my loved one, my son, became evident.

FBI, - SA Shawn Brooks interviewed, pre-trial, Kengatta Pendleton, Khair's mother and was emphatically warned and informed, that Khair is my biological son - (my immediate family). She prepared an FBI 302 as to this fact.

Pre-trial Services report both pre-trial and my pre-sentence report, confirmed that Khair is my biological son and the gov't. NEVER even attempted to object to this absolute - confirmed fact.

Judge Cavanaugh during my sentencing, acknowledged that Khair was my son, when he authored my family status.

When I was designated to the CMU, Terre Haute, Khair was listed as my son and I was permitted to telephonically, e-mail and in writing

communicate with him, as my son - immediate family.
(Emphasis added).

Mirish and Saunders, to sadistically torment me and in their racial animos and bigotry, that I have a bi-racial son, have prohibited me from having any communication with Khair. For the very first time objecting - which is sinful, despicable and with malice aforethought racially motivated.

Since August 2016, with a pained heavy heart and soul, Mirish and Saunders have refused me to communicate with Khair. For the sole fact that he is bi-racial.

It must be vigorously accentuated that Khair is a good man, a college graduate from Rutgers University, N.J., a football scholarship recipient, whom has never had any contact with the criminal justice system. This is wrong - sadistic and illustrates the violent hatred - animos and depravity of the authors of this SAM objection.

The SAM and its onerous conditions of confinement are the antithesis of truth, justice and the dignity of our Constitution.

Respectfully,
Paul Berpin

cc: Merrick Garland, U.S. Attorney General
Philip Selinger, U.S. Attorney, District of New Jersey